

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

STATE OF TENNESSEE, STATE OF ALA- )  
BAMA, STATE OF ALASKA, STATE OF )  
ARKANSAS, STATE OF GEORGIA, STATE )  
OF INDIANA, STATE OF IOWA, STATE )  
OF KANSAS, COMMONWEALTH OF )  
KENTUCKY, STATE OF MISSISSIPPI, )  
STATE OF MISSOURI, STATE OF NE- )  
BRASKA, STATE OF OHIO, STATE OF )  
SOUTH CAROLINA, STATE OF SOUTH )  
DAKOTA, STATE OF UTAH, COMMON- )  
WEALTH OF VIRGINIA, STATE OF WEST )  
VIRGINIA )

*Plaintiffs,*

v.

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION; CHARLOTTE A. BUR- )  
ROWS, in her official capacity as Chair of the )  
Equal Employment Opportunity Commis- )  
sion; UNITED STATES DEPARTMENT )  
OF JUSTICE; MERRICK B. GARLAND, in )  
his official capacity as Attorney General of the )  
United States; and KRISTEN CLARKE, in )  
her official capacity as Assistant Attorney )  
General for Civil Rights at the United States )  
Department of Justice, )

*Defendants.*

Civil Action No. 3:24-cv-00224  
Judge Charles E. Atchley, Jr.  
Magistrate Judge Debra C. Poplin

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**CONSENT MOTION TO SET BRIEFING SCHEDULE ON  
PLAINTIFFS' MOTION FOR PRELIMINARY RELIEF**

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The Plaintiff States move under Fed. R. Civ. P. 6 and Local Rule 7.1 to set a briefing schedule on their forthcoming motion for preliminary relief from Defendant EEOC's "Enforcement Guidance on Harassment in the Workplace" ("Enforcement Document"), Dkt. #1-2.

EEOC's Enforcement Document—like the 2021 EEOC guidance this Court previously

enjoined, *see* Dkt. #1-1—will require the Plaintiff States and all other covered employers to accommodate their employees’ self-professed gender identities in areas ranging from preferred pronouns to private changing spaces and restrooms. The Enforcement Document became effective upon its issuance on April 29, 2024. Thus, the Plaintiff States have already begun to undertake compliance obligations and will continue to shoulder associated costs to implement the Enforcement Document’s new mandates. The Plaintiff States thus intend to move this Court to enter preliminary relief from the Enforcement Document during the pendency of these proceedings.

The Plaintiff States have conferred with counsel for the Defendants regarding a briefing schedule for the forthcoming motion for preliminary relief. Counsel for the Defendants has advised that the Defendants consent to the following briefing schedule:

Proposed Deadline	Filing
May 31, 2024	Plaintiff States’ motion for preliminary relief.
June 21, 2024	Defendants’ response to Plaintiff States’ motion for preliminary relief.
July 2, 2024	Plaintiff States’ reply in support of their motion for preliminary relief.

The Plaintiff States respectfully request that the Court issue an order granting entry of this proposed briefing schedule on the forthcoming motion for preliminary relief.

Respectfully submitted,

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and Reporter

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**\* Pro Hac Vice Application Forthcoming**

**\*\* Pro Hac Vice Application Pending**

**\*\*\* Admitted Pro Hac Vice**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic filing system on this 23 day of May, 2024 to all counsel of record. The document was further served via email and first-class mail on the following, who has represented himself to the undersigned as counsel for the Defendants in this matter.

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